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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,525	09/25/2003	Hideo Ando	242947US2S DIV	5164
22850 7590 04/09/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER NGUYEN, HUY THANH	
			ART UNIT	PAPER NUMBER
			2621	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/09/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/09/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/669,525	Applicant(s) ANDO ET AL.	
	Examiner HUY T. NGUYEN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21 and 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 21 and 29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 21 and 29 direct to information *and* a medium. Since the information do not provide any functional interrelationship to the medium for controlling the medium to reading and access the information from the medium, or impart to any software and hardware structural components to perform a function that is processed by a computer, the information themselves can not make them statutory. See MPEP 2100. The recitation "said apparatus ...data area" at lines 19-20 of claims 21 and "said apparatus ...information" at lines 22-23 of claims 29 is mere intended use since there is no recitation in the claim to specify how the video management information file is read out and is interact with any means or circuit of the recording device or reproducing device to reproduce the still picture file. Further it is noted that claims 21 and 29 directs to information on a medium, not to an information recording/reproducing apparatus.

It is suggested that "An information recording medium -- reproducing /reproducing apparatus" lines 1-2, needed to be changed to -- A information

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recording/reproducing apparatus comprises an information recording medium -- to overcome the 101 rejection .

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 is indefinite as being a hybrid claim. Claim recites a medium to store with information and method for recording the information however, claim do not provide any and connection and support between a medium and method since the claim do not provide any steps of generating or forming video object data and control information prior to recording the video object data and control information on the medium .

Claims 31-32, lines 3-6 , is indefinite because it is not clear whether the information has been recorded on the medium or not, therefore it is unclear how the video file and management information file can be reproduced from the medium. The recitation "configured to store" is not a positive recitation to point out that the still picture video file and video recording manager information file have been recorded on the medium.

Claim 31 , last line, "reproducing vie data and audio data " needed t be
changed to -- reproducing the control information ;

and reproducing the video data or audio based on the reproduced control
information .

Claim 32 , last line, "reproducer configured to reproduce video data and audio
data " needed to be changed to

-- first reproducer for reproducing the control information ;

and a second reproducer for reproducing the video data or audio based on the
reproduced control information . –

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 21 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saeki et al (6,263,155) in view of Okada et al (6,148,140).

Regarding claims 21 and 29-32, Saeki discloses a method and apparatus for recording and reproducing data on and from an information storage medium (Fig. 15) configured to have data recorded thereon and data reproduced therefrom by an information recording/reproducing apparatus, said data including control information and video object data, the information storage medium comprising:

a data area configured to store the video object data (Fig. 3-4, column 5, line 65, column 6, column 7, lines 52 to column 8, line 7) , and

a plurality of error correction code blocks, wherein a predetermined number of sectors form each error correction code block, and each of said sectors has a predetermined size; and

a control information recording area configured to store said control information, the control information being configured to manage the video object data and including an AV file information table having a first table area configured to store object stream information, and a second table area configured to store AV file information configured to manage information of the video object data, the AV file information including a plurality of object information, each object information including information of object units of the video object data, and a plurality of object information search pointers

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associated with the plurality of object information (columns 10-11,17-18 , Figs. 7-12, 24-25), wherein:

said video object data is configured to be recorded in at least one of the object units, an object corresponding to the video object data is allocated with or corresponds to one or more of the plurality of error correction code blocks (column 5, line 65 to column 6, line 18) , an error correction code block address being defined in units of the error correction code block corresponds to an integer multiple of said sectors (errors correction block number and sector number (Fig. 5, column 8 lines 30-43)

Saeki further teaches that the data area is a rewritable area since the medium discloses by Saeki is a rewritable medium (DRAM) but Saeki fails to teach using audio gap information in the management information area . Okada teaches a recording and reproducing apparatus using audio gap information in management information are to control processing the audio and video object data (Fig.12, column 30, lines 5-68 column 31, lines 1-35).

It would have been obvious to one of ordinary skill in the art to modify Saeki with Okada by providing the management information of Saeki with audio gap information as taught by Okada thereby accurately accessing and processing the audio data and video object data.

Further for claims 31 and 32, Saeki and Okada teaches means for reproducing the video object data and control data from the medium (Saeki, column 19 and Okada column 23, lines 34-68).

Response to Arguments

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7. Applicant's arguments filed 03 January 2007 have been fully considered but they are not persuasive.

Applicants argue that Saeki does not disclose or suggest "using ECC blocks as address information". In response, it is noted that applicants argument does not reflect the claims. Since nowhere in claims do they recite "using ECC as address information).

Applicants agree that Okada does not teaches that " the audio gap being portion at which audio reproduction is discontinued for video playback of that portion." In response, the examiner disagrees. It is noted at Figs. 12, 14, column 30, lines 54 – 68, column 31, lines 1-35, Okada teaches that the audio gap is a portion at which the audio reproduction is discontinued (halting decoding) for video playback (video object unit playback).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N


HUY NGUYEN
PRIMARY EXAMINER